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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,312	01/19/2004	Brian John Melody	31433-57	8319
7590 04/06/2005				
NEXSEN PRUET, LLC Post Office Box 10107 Greenville, SC 29603			EXAMINER NGUYEN, HA T	
			ART UNIT 2812	PAPER NUMBER

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/759,312

Applicant(s)

MELODY ET AL.

Examiner

Ha T. Nguyen

Art Unit

2812

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1-19-4</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 3-6 depend from non existing claim 11.

2. The term "elevated" in claim 1, line 9 is a relative term which renders the claim indefinite. The term "elevated" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claims 2-6 variously depend from claim 1, they are rejected for the same reason.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(a) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

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4. Claims 1 and 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogino et al. (USPN 6236561, hereinafter "Ogino") in view of Hernandez (USPN 4594641) or Knecht et al. (USPN, hereinafter "Knecht").

Referring to Figs. 1A-8C and related text, Ogino discloses [Re claim 1] a method of manufacturing a solid electrolytic capacitor, said method comprising: forming a solid electrolytic capacitor element 1; connecting the capacitor terminals to the capacitor element; and encapsulating the capacitor element and a portion of the capacitor terminals with a protective resin (See col. 3, line 36- col. 4, line 50).

But Ogino fails to disclose expressly applying a pre-coat resin to a portion of capacitor terminals; wherein said pre-coat resin is substantially rigid at ambient temperatures and flexible at elevated temperatures.

However, the missing limitations are well known in the art because Hernandez discloses these features (See col. 4, line 59- col. 5, line 32). A person of ordinary skill is motivated to modify Ogino with Hernandez to obtain a well protected capacitor that can be automatically insertable (see Hernandez, col. 3, lines 36-41). Knecht also discloses these features ; and [Re claims 3-6] that the coating material can be applied by any suitable method known in the art, including using a wiper, a brush, a counter-rotating wheel assembly or by spraying (See col. 3, line 37-col. 5, line 12). A person of ordinary skill is motivated to modify Ogino with Knecht to obtain a well sealed capacitor.

Therefore, it would have been obvious to combine Ogino with Hernandez or Knecht to obtain the invention as specified in claims 1 and 3-6.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ogino in view of Hernandez or Knecht, as applied above, and further in view of Hayase et al. (USPN 6686085, hereinafter "Hayase").

The combined teaching of Ogino and Hernandez or Knecht discloses substantially the limitations of claim 2, as shown above.

But it fails to disclose expressly that the liquid epoxy resins contain lactone.

However, the missing limitation is well known in the art because discloses this feature (See example 29).

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A person of ordinary skill is motivated to modify Ogino and Hernandez or Knecht with Hayase to obtain an epoxy of desired consistency for a specific application .

Therefore, it would have been obvious to combine Ogino and Hernandez or Knecht with Hayase to obtain the invention as specified in claim 2.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ha T. Nguyen whose telephone number is (571) 272-1678. The examiner can normally be reached on Monday-Friday from 8:30AM to 6:00PM, except the first Friday of each bi-week. The telephone number for Wednesday is (703) 560-0528.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael S. Lebentritt, can be reached on (571) 272-1873. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ha Nguyen
Primary Examiner
4- 3- 05